

# Barrington Zoning Board of Adjustment Zoning Ordinance Variance and Special Exception Application Checklist

Please schedule a meeting with staff before submitting your application.

This checklist has been prepared to assist you in submitting a complete application to the Town of Barrington. At the Pre-Application meeting, staff will check off the items on this list that are required with your submission.

This document constitutes a public disclosure under RSA Chapter 91 – A, Access to Governmental Records and Meetings.

				10 M	co or zpalla		
Date		/30/2021	Case No	114-18-6	6R-21-2BAVas		
Owner <sub>.</sub>		Robert and Linda					
Mailing		ss94 Edgewa					
Phone_	(8)	05) 895-2562	Email	rayork@ucs	b.edu		
		P	ART I – GENERA	L REQUIREMENT	TS .		
				Scale and Dimer			
Description of Documents Required for Complete Application. No application shall be accepted							
			without all item	s marked below.			
Rea'	Rec'						
1	1	1. Zoning Board	of Adjustment A	pplication Check	list (this form)		
J	ا	2. ZBA General I	nformation (Arti	cle(s) and Section	n(s) of Ordinance)		
7	٦	3. Appeal and De	ecision				
			Legal Notice	∃ Office Certified Le	etter ⊐		
		5. Completed Pro  ☐ Variance			□ Appeal		
	口		er of Authorizati oplication form)	on (from property	y owner(s) if property owner did		
٦	٦	7. Project Narrati	ve				
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コ	コ	8. HOA Approval (if applicable)
		9. Context or Locus Map (Show Surrounding Zoning Districts)
		<ol> <li>Existing Conditions Site Plan or Recorded Subdivision Plan to include well and septic location (may be found at Strafford County Registry of Deeds).</li> </ol>
		11. Existing Conditions Photo Exhibit (See instruction page for submitting photos) Up to four photos may be shown per 8 ½" X 11" page size a. Show all existing structures on site
٦		12. List of Certified Abutters (Include Applicant and all licensed professionals, i.e., engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement)
J		13. Mailing Labels (4 sets)
		PART II – REQUIRED PLANS AND RELATED DATA  All Graphics and Plans Shall be to Scale and Dimensioned
]	]	<ol> <li>Site Plan - Drawn and Stamped by Registered Land Surveyor</li> <li>24" X 36" – 2 Copies</li> <li>11' X 17" – 6 Copy</li> <li>8 1/2 " X 11" – 1 Copy</li> </ol>
		<ul> <li>2. Elevations: Show all sides of building and indicate building heights</li> <li>a. 24" X 36" – 2 Copies</li> <li>b. 11' X 17" – 6 Copy</li> <li>c. 8 1/2 " X 11" – 1 Copy</li> </ul>
٦	٦	3. Floor Plans a. 24" X 36" – 2 Copies b. 11' X 17" – 6 Copy c. 8 1/2 " X 11" – 1 Copy
		4. All drawings and any revised drawings must be submitted in PDF format
1	1	5. OTHER:
Ĵ	J	6. Your Appointment Date and Time for Submitting the Complete Application is:
Ba	sha	a Arune 6/30/2021
Staff S	Signatur	re Date

Land Use Department

Town of Barrington; 333 Calef Highway; Barrington, NH 03825/ E D

mgasses@barrington.nh.gov Phone: 603.664.5798

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#### PART III - PROJECT DESCRIPTION/VARIANCE DETAILS

Case No. 119-18-GR-31-ZBH Vac
Project Name94 Edgewater Drive Variance
Location Address 94 Edgewater Drive Barrington, NH 03825
Map and Lot Tax Map 119, Lot 18
Zoning District (Include Overlay District if Applicable) <u>General Residentia</u>
Property Details:  ☑ Single Family Residential ☐ Multifamily Residential ☐ Manufactured Housing ☐ Commercial ☐ Mixed Use ☐ Agricultural ☐ Other
Use: Single Family
Number of Buildings: 1 Proposed Garage Height: Less than 20' from grade
Setbacks: Front 40' Back N/A Side 30' Side 30'
Cite the Section of the Zoning Ordinance you are requesting a Variance or Special Exception for.  If this is an Appeal from an Administrative Enforcement Order, Planning Board Decision, or Zoning Board of Adjustment Decision, please attach pertinent documentation:  Article 4 Dimensional Standards Table 2  Project Narrative: (Please type and attach a separate sheet of paper)  See Attached.
Barrington Zoning Ordinance Requirements: 40' min. front setback.
30' min side setback
Request: (You may type and attach a separate sheet of paper)  Request relief to the 30' side setback. See Attached.

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#### PART IV – If this is a JUSTIFICATION FOR VARIANCE

The Zoning Board of Adjustment may not authorize a zoning ordinance variation unless ALL of the following criteria are met. Please provide evidence that the requested Variance complies by addressing the issues below.

] unnec	1. Special conditions exist such that literal enforcement of the Ordinance will result in tessary hardship to the applicant as defined under applicable law.
	See Attached.
7	Granting the variance would be consistent with the spirit of the Ordinance.  See Attached.
]	3. Granting the variance will not result in diminution of surrounding property values.  See Attached.
]	4. Granting of the variance would do substantial justice. See Attached.
]	<ol> <li>Granting of the variance would not be contrary to the public interest.</li> <li>See Attached.</li> </ol>
Ple	PART V – If this is a JUSTIFICATION FOR SPECIAL EXCEPTION ease provide evidence that the requested Special Exception complies by addressing the issues below.
emiss	1. No detriment to property values in the vicinity of the proposed development will result on ant of: the location or scale of buildings, structures, parking areas, or other access ways; the ion of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or unsightly por storage of equipment, vehicles, or other materials.
======================================	2. No hazard will be caused to the public or adjacent property on account of potential fire, sion, or release of toxic materials.
of the	3. No creation of a traffic safety hazard or substantial traffic congestion will result in the vicinity proposed development.

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disposa	4. No excessive demand on municipal services and facilities, including, but not lal, police and fire protection, and schools.	imited to waste
	5. The proposed use will not result in the degradation of existing surface and gr standards, nor will it have adverse effects on the natural functions of wetlands or result in the loss of significant habitat or flood control protection.	
ехсер	dition to the guiding principles specified above, the ZBA may condition the grantion upon more stringent standards if the Board determines that such condition orotect the health and welfare of the town and its residents. Such conditions methods following and should be addressed in the Narrative:	ns are necessary
	1. Front, side, or rear yards in excess of the minimum requirements of this Ordi	nance.
	<ol><li>Screening of the premises from the street or adjacent property by walls, fend devices.</li></ol>	ces, or other
□ maxim	3. Limitations on the size of buildings and other structures more stringent than um requirements of this Ordinance.	minimum or
	4. Limitations on the number of occupants and methods and times of operation	ı.
	5. Regulation of the design and location of access drives, sidewalks, and other t	raffic features.
	6. Location and amount of parking and loading spaces in excess of existing stan	dards.
	7. Regulation of the number, size, and lighting of signs in excess of existing stan	ndards.
	Waliffel	6/29/2021
	Signature of Applicant	Date
	Waledyll	6/29/2021
	Signature of Owner	Date



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#### Part I - General Requirements

List of Certified Abutters

Applicant and Owners: Robert and Linda York 94 Edgewater Drive Barrington, NH 03825 Tax Map 119, Lot 18

Neighbors to the West: Nathan and Heather Miselis 36 Fletcher Street Rolinsdale, MA 02131 Tax Map 119, Lot 19

Neighbors to the East: James and Barbara Anderson 98 Edgewater Drive Barrington, NH 03825 Tax Map 119, Lot 17

Licensed Professional (Surveyor): Scott R. Frankiewicz, LLC New Hampshire Land Consultants, PLLC 683C First NH Turnpike (Rte. 4) Northwood, NH 03261



#### Part III - Project Description/Variance Details

#### **Project Narrative:**

The owners, Robert & Linda York, wish to construct a detached single-story garage at 94 Edgewater Dr., to provide additional shelter for motor vehicles and additional storage and workshop space. The proposed location of the garage would be near the southeast corner of the existing single-family dwelling at the terminus of the existing paved driveway, replacing an existing  $10^{\circ}$ x18' shed structure. The proposed site of the structure is the only buildable location on the property that would not interfere with the existing septic system or obstruct vehicular and waterfront access and views. As shown in the accompanying site plan, the proposed garage site lies within the 30' setback zone from the east boundary line, such that the rear of the garage is aligned with the rear of the existing shed (7.3' from the boundary), with the house and garage forming an inverted "L" shape.

The property at 94 Edgewater Dr. is a single-family dwelling on a 0.91 acre lot. This waterfront lot is adjacent to Swain's lake on the southern boundary of the property. As shown in the attached Shoreland Plan and accompanying photographs, the property is a long-narrow plot of land, with a steep sloping paved driveway along the west side of the dwelling that terminates in a flat level paved area on the south (lake) side of the dwelling. The north (street-side) of the lot is dominated by a large and tall granite ledge that cannot be built upon (see Supplementary photo #2). The septic system is located on the southern edge of the existing paved driveway. The east and west boundaries of the property are heavily wooded, as can be seen in the accompanying site photos.

Because of the lot configuration (granite ledge on the north side, steep slope on the west and east sides of the house), there is no other possible location for a detached garage that would avoid infringing setback buffers or interfering with the existing septic system and access to the waterfront. The proposed site for the garage would position it just beyond the eastern terminus of the existing driveway, allowing for convenient access for vehicles while not interfering with winter snow-plowing and propane delivery to a tank located at the southeast corner of the house. The proposed location would maintain the ability for vehicles to turn around at the bottom of the steep driveway, which is especially important in winter, and also preserve the existing guest parking spaces. The propose site would also continue to allow for convenient access to the waterfront along an existing paved walkway. The propose garage site is also outside the NH Shorelands 150' waterfront buffer zone.

Although the proposed site would position the garage within the 30' setback buffer from the eastern boundary, that location is shielded from the neighboring property on the east by a heavily-wooded area, as can be seen in the accompanying photographs (Supplementary photo #3). Due to the sloping nature of the property, the proposed single-story garage would be completely hidden from view from the street and to any neighbors to the north. This can be appreciated from the "street view" photographs looking down the existing driveway from the street (Supplementary photo #1) and towards the proposed site from the northeast corner (Supplementary photo #4). Since the proposed garage location is screened from view it will have no impact on the value of neighboring properties, and hence approval of this variance is not contrary to the public interest in any conceivable way.

The property is occupied year-round by the owner's mother, Lauraine York, and the property is Lauraine's primary residence. The proposed garage will be a significant functional improvement for the occupants as well as improving the value of the property. By contrast, locating the garage at any conforming and buildable location outside the setback zones would interfere with vehicular access and create an obstruction between the house and waterfront that would significantly devalue this lakefront property, hence a literal enforcement of the Ordinance would create an unnecessary hardship for the applicant and negatively impact the assessed value of the property. Granting the variance would do substantial justice for current and future owners as well as the township.



#### Part III - Justification for a Variance

Justification for a variance to Article 4 Section 4.1.1 Table 2, Side setback, is given below:

1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicants as defined under applicable law.

Every effort was made to find a location on the property that would honor the existing setback rules, but the special challenges of a narrow, steeply-sloping property, the existence of a large, tall granite ledge on the north (street) side of the house, and constraints imposed by the existing septic system location and waterfront access, all preclude a conforming structure. A literal enforcement of the Ordinance and denial of the variance would thus pose an unnecessary hardship to the owners and occupants as there is no other option to create a usable garage space appropriate to a year-round family residence.

2. Granting the variance would be consistent with the spirit of the Ordinance.

The spirit of the Ordinance is to insure that any new permanent structures will add functional value while conforming to local aesthetic principles and avoiding unsightly obstructions that would adversely affect neighboring properties. The proposed garage is consistent in size with those in the neighborhood. The proposed garage will be largely hidden from street view since it is located well below the street grade on the opposite side of the house, and is shielded from neighbors on each side by existing wooded areas along the east and west boundaries. The location is functionally well-suited to the existing lot configuration, located at the terminus of the existing driveway on a level ground close to the house, allowing for convenient vehicular and pedestrian access while avoiding obstructing waterfront access and views. Thus the proposal is wholly consistent with the spirit of the Ordinance.

3. Granting the variance will not result in diminution of surrounding property values.

As can be seen in the accompanying property survey and site plan, as well as site photographs, the east and west side boundaries of the property are tree-lined which creates a natural visual screen. Thus the proposed structure would not interference with the neighbors lakefront views or adversely affect the use and enjoyment of any surrounding properties. Due to the sloping nature of the property it will not be visible from the street, and this can be confirmed by the accompanying photographs. The proposed garage replaces an existing large shed at the end of an existing driveway, and hence is an aesthetic improvement that would not create any new or unusual noise or traffic flow. The proposed garage conforms to aesthetic norms in the neighborhood and would be situated 150 feet from the lake, so the construction and use of it will have no adverse environmental impact. Thus the proposed garage and location will have no effect on surrounding property values.

4. Granting the variance would do substantial justice.

The proposed garage will be a significant functional improvement as well as improving the eventual resale value of the property. By contrast, locating the garage at any conforming position outside the setback buffer would create an obstruction to vehicular access and waterfront enjoyment that would significantly devalue this lakefront property, and hence a literal enforcement of the Ordinance would create an unnecessary hardship for the applicant. The proposed garage location is no closer to the property boundary than existing structures on the property (Chain-link fence, propane tank, backup



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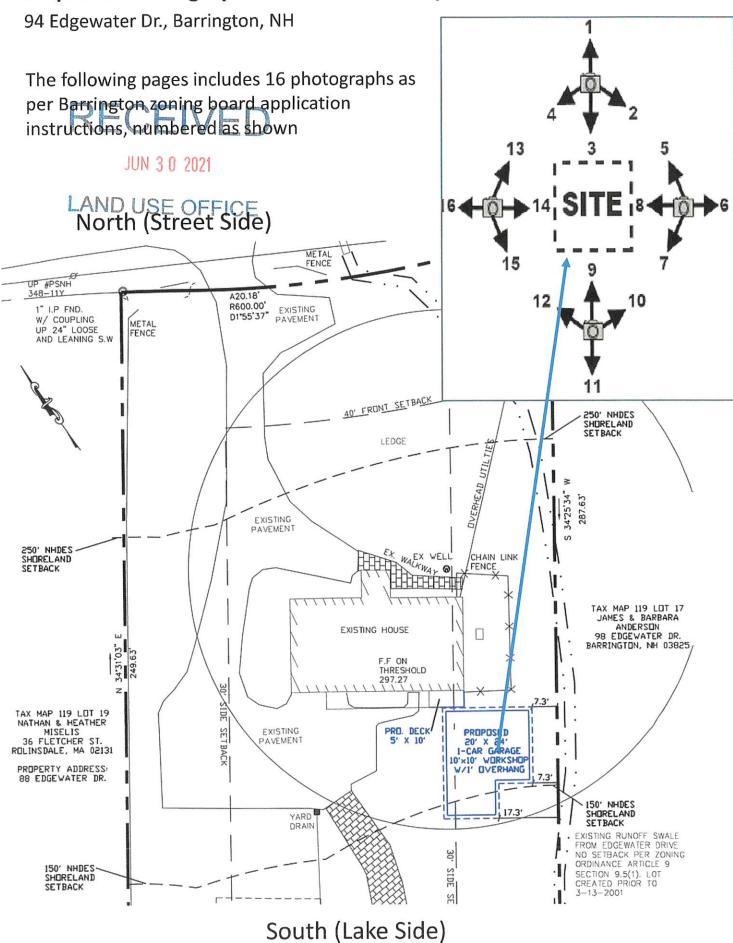
generator, and sheds, and even the house itself), and also no closer to the boundary than similar existing structures on neighboring properties, so denial of the variance would be inconsistent with other established precedent in the neighborhood.

5. Granting of the variance would not be contrary to the public interest.

There is nothing in the proposal that would be contrary to the public interest. Many if not most of the surrounding properties have detached garages of similar or larger size than the proposed structure, and the construction and use of such structures is consistent with the expectations of NH property owners. Although the proposed location lies is a setback zone, the special conditions that exist on the property justify the location, and there will be no impact on neighboring properties or street views.



### **Required Photographs for Variance Request**



## **Supplementary Photographs (continued)**

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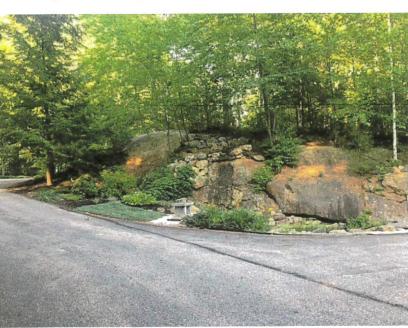
94 Edgewater Dr., Barrington, NH

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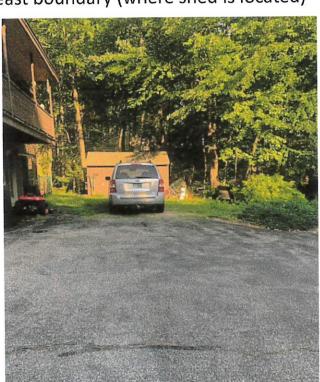
1) View to the south from the street at the top of the driveway

2) View to the northeast from the middle of the driveway showing granite ledge north of house





3) View of proposed garage site on east boundary (where shed is located)



4) View from northeast corner looking towards the proposed site

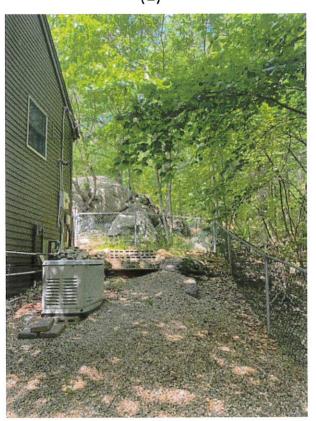


## Required Photographs 1-4 (perspectives from North side)

94 Edgewater Dr., Barrington, NH

JUN 3 0 2021

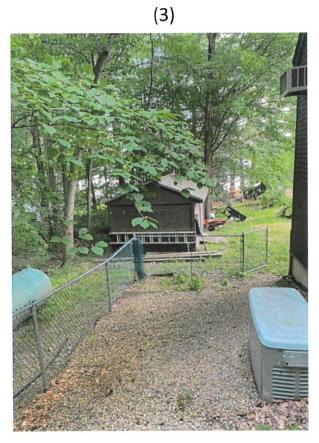
(1)



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(2)



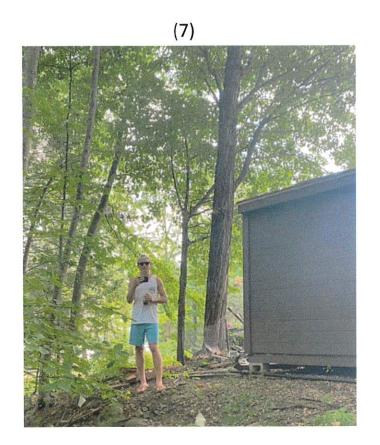




## Required Photographs 5-8 (perspectives from East side)

94 Edgewater Dr., Barrington, NH

JUN 3 0 2021 (5) (6)

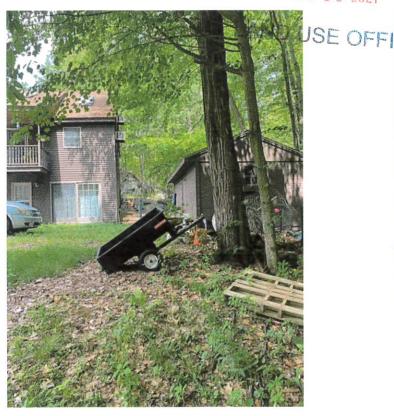




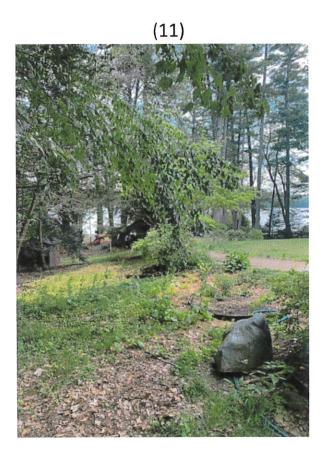
## Required Photographs 9-12 (perspectives from South side)

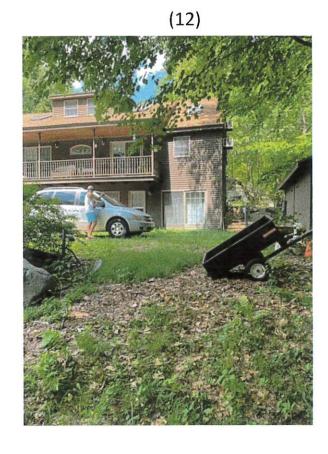
94 Edgewater Dr., Barrington, PHEC

(9) JUN 3 0 2021 (10)





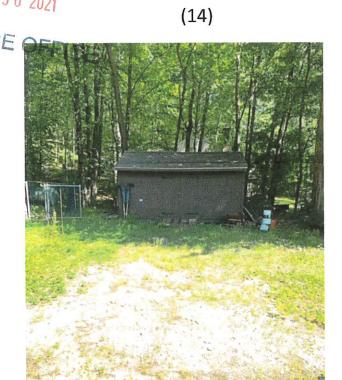


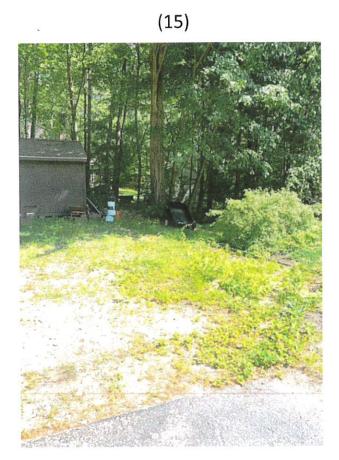


## Required Photographs 13-16 (perspectives from West side)

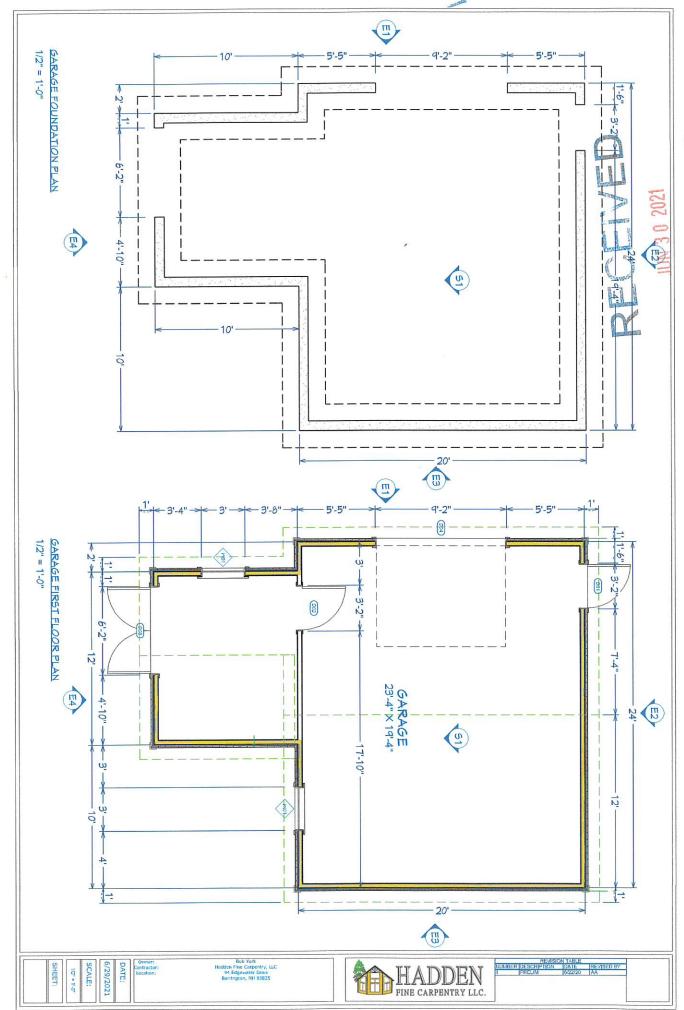
94 Edgewater Dr., Barrington, NH











## Top of Subfloor - Foundation -2.2' Bottom of Footing-LAND USE OFFICE JUN 3 0 2021 3'-10' 8'-1 1/8" 7'-0 9/16" GARAGE SECTION 1 1/2" = 1'-0" -ELIMINATE SHED AND PUT 20' $\times$ 24' GARAGE WITH 10' $\times$ 12' MORKROOM ATTACHED IN PLACE OF SHED SHINGLES NOTES: - CERTAINTEED LANDMARK PRO COBBLESTONE GRAY - LP SMARTSIDE INSTALLED THROUGHOUT COLOR LAVA - 1'-0" OVERHANG ON ALL SIDES -GARAGE ROOF= 5 PITCH - STANDARD TRUSSES TO MEET SNOW LOADS

Hodden Fine Carpentry, LLC 94 Edgewater Drive Barrington, 701 03825

DATE:

SHEET

6/29/2021 SCALE:

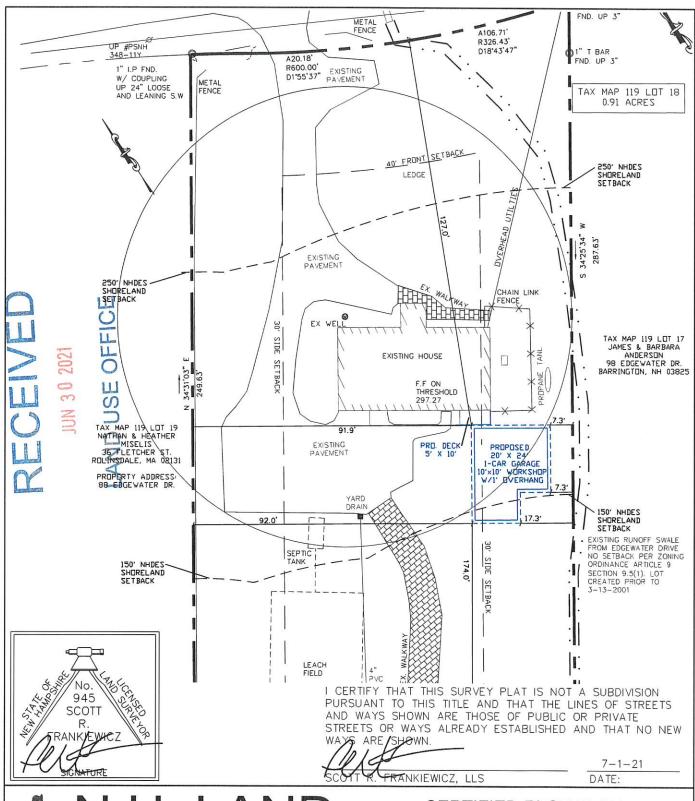
1/2" = 1'-0"



REVISION TABLE
NUMBER IDESCRIPTION DATE REVISED BY
1 PRELIM 8/22/20 AA



15'-1 11/16" 13'-4 1/4" 1/2" = 1'-0" GARAGE ELEVATION 3 RECEIVED
JUN 30 2021
LAND USE OFFICE 1/2" = 1'-0" GARAGE ELEVATION 4 15'-1 11/16" SCALE: 6/29/2021 DATE: HADDEN FINE CARPENTRY LLC.





## N.H. LAND *Consultants*

SURVEYING • LAND PLANNING • REAL ESTATE
A VETERAN OWNED COMPANY

683C FIRST NH TURNPIKE, NORTHWOOD, NH 03261 PH. 603-942-9220 WEBSITE: NHLANDCONSULTANTS.COM

#### CERTIFIED PLOT PLAN

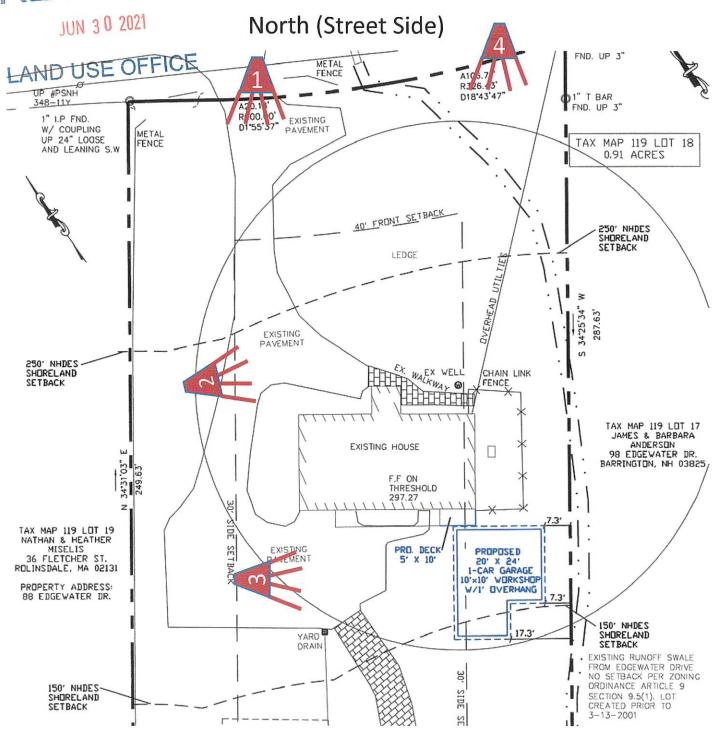
TAX MAP 119 LOT 18 ROBERT & LINDA YORK 94 EDGEWATER DRIVE BARRINGTON, NH 03825 BOOK 3650 PAGE 237

SCALE: 1'' = 30' DATE: 6-28-21

#### **Supplementary Photographs for Variance Request**

94 Edgewater Dr., Barrington, NH

The following page includes four additional photographs that may be helpful for the board, numbered as shown below



South (Lake Side)

